REMARKS

Reconsideration of this application is respectfully requested. Claims 3-20 as previously amended remain in the case, and have rejected as indicated below.

Rejections under 35 USC 103

Claims 3, 12, 14 and 16-20 were rejected under 35 USC 103(a) as being allegedly unpatentable over Smith et al. (US Pat. No. 6,891,811)(hereafter referred to as "Smith"). Claims 4-11, 13 and 15 have also been rejected as being allegedly unpatentable over Smith in view of Martschitsch (US Pat. No. 7,020,479)(h hereafter referred to as "Martschitsch").

In response to the above rejection, Applicants wish to point out that the allegedly "bi-directional communication" referred to in the Smith patent only consists of a Mobile Origin (MO) a message that contains information generated by a user where the mobile origin is generated, and it is sent to a remote server. As indicated messages by 426, 427, 428, and in column 12, lines 27-35 of the Smith patent, provision of such merely results in a previously sent message directed to the mobile device such that any return message merely contains signaling that is indicative that the message has been received. To this end, any return message taught by Smith simply does not contain new information generated in the stationary server for the mobile user. In other words, the remote server can only generate a return signaling, but, unlike the present invention, a new message can never be generated for the user independently. This is because in order to generate the return signaling, first a message has to have been received from a mobile phone and accordingly, the server taught by Smith never generates an independent message that contains information for the user. As such, the process taught by Smith is *sequential* and <u>not</u> *independent*, as is the case with the presently claimed invention.

In addition, it is important to note that the concepts of a *flow of information* and that of a *flow of signaling* are two distinctly different operations. The purported "bi-directionality" in the Smith patent only refers to a sequential process that does not generate any *independent* flow of *information*. The Examiner asserts that column 6 lines 48-54 of the Smith patent teaches communications that originate either by the user of the mobile phone or by the remote server independently. However, those lines from the Smith patent at best only teach that there is

sequential "bi-directional" communication a based on mobile origin (MO) system that generates messages that are received at the server, and then translate them and returns a return answer, but in doing so, the Smith server never generates a message that contains new information for the user independently.

Moreover, Applicants would respectfully draw the Examiner's attention to the definition of MO that is used in the Smith patent regarding short messages origin from a GSM network. Specifically, pages 12 and 13 of Regulation 3.40 of GSM, excerpted portions of which are attached hereto as *"Attachment A"*, expresses the relevant definitions of MO that contrast the inventive approach and that taught by the Smith patent. As indicated by the relevant MO definition in *Attachment A*, the Smith patent actually relates only to a mobile phone that can send messages by SC and can only receive information about the delivery of the message. For this purpose, information is sent in one direction and the confirmation is sent in the other direction. Therefore, checking the definition of MT as indicated in *Attachment A*, the Smith patent does <u>not</u> contemplate the possibility of sending information to a mobile phone, only confirmation of the results (described as a "report" in this document). Accordingly, the Smith patent cannot and does not support this directionality.

Given the above, it is clear that the servers of the Smith patent do not include a server module and a user module for carrying out the analysis, composition and transmission of messages. To this end, Smith at best teaches a means to return a reply signalling to a previously received message containing information of the user. By way of example, the Smith system employs a means whereby a user of a mobile phone can only receive a signalling message in response to a message that he has previously sent, such as the result of a basketball game or the like, which, according to the Smith teachings, can never be received without the user of the mobile phone previously having sent a message requesting it. Furthermore, even *if* the user of the mobile phone had sent such a message, he would still never be able to receive the results of the game, because the server taught by Smith does not understand the server's and user's modules, and can only receive a confirmation regarding *signals*. In the case of the present invention, the results of the exemplary basketball game can be received when the game is over, without the need for a user to have previously sent a message.

By way of further contrast, the Smith patent teaches a system whereby the user of a given mobile phone would never subscribe to a service that sends it a message independently at every given user-defined time (for example, when a goal is made in a soccer match, automatically indicating the score and the player who made the given goal). According to the Smith patent, the only thing that a given user of a mobile phone can receive is a confirmation, and that is only *if* he has previously sent a message. Continuing with the above-described example, the user of the system described by Smith can never receive the results of the ball game, and cannot know who the player who made the goal is, because the Smith system simply lacks the means to compose messages for the user, much less the means to compose messages for the user independently, as is claimed by the present invention. As such, it is respectfully maintained that the presently claimed invention is neither taught nor suggested by the Smith system, whether alone or in combination with the Martschitsch patent.
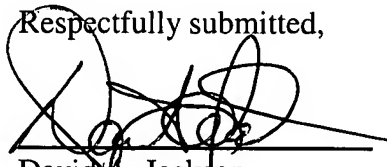
Fees

No fees are believed to be necessitated by the foregoing Response. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

Conclusion

Applicant believes that the foregoing amendments to the claims place the application in condition for allowance. Withdrawal of the rejections is respectfully requested. If a discussion with the undersigned will be of assistance in resolving any remaining issues, the Examiner is invited to telephone the undersigned at (201) 487-5800, ext. 118, to effect a resolution.

Respectfully submitted,

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Enclosure(s):   Attachment A

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ATTACHMENT A

Excerpted portions of GSM 03.40 version 6.0.0 (emphasis supplied in bold):

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Digital cellular telecommunications system (Phase 2+);

Technical realization of the Short Message Service (SMS);

Point☐to☐Point (PP)

(GSM 03.40 version 6.0.0)

Approved by SMG as SMG version only, not for publication

Reference

DEN/SMG-040340Q6 (8cc03000.PDF)

The short message point☐to☐point services comprise two basic services:

SM MT (Short Message Mobile Terminated Point☐to☐Point);

SM MO (Short Message Mobile Originated Point☐to☐Point).

SM MT denotes the capability of the GSM system to transfer a short message submitted from the SC to one MS, and to provide information about the delivery of the short message either by a delivery report or a failure report with a specific mechanism for later delivery; see figure 03.40/1.

SM MO denotes the capability of the GSM system to transfer a short message submitted by the MS to one SME via an SC, and to provide information about the delivery of the short message either by a delivery report or a failure report. The message must include the address of that SME to which the SC shall eventually attempt to relay the short message; see figure 03.40/2.

The text messages to be transferred by means of the SM MT or SM MO contain up to 140 octets.
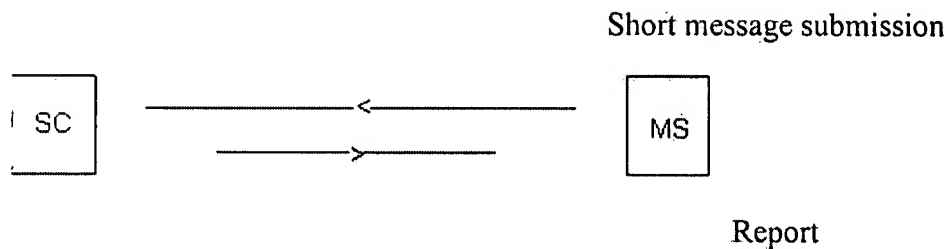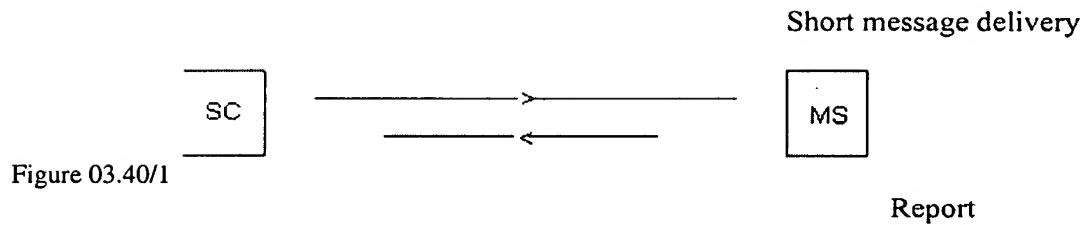
Short message delivery

Figure 03.40/1

Report

Short message submission

Report

Figure 03.40/2: The Short Message Service mobile originated, point☐to☐point

An active MS shall be able to receive a short message TPDU (SMS☐DELIVER) at any time, independently of whether or not there is a speech or data call in progress. A report will always be returned to the SC; either confirming that the MS has received the short message, or informing the SC that it was impossible to deliver the short message TPDU to the MS, including the reason why.

An active MS shall be able to submit a short message TPDU (SMS☐SUBMIT) at any time, independently of whether or not there is a speech or data call in progress. A report will always be returned to the MS; either confirming that the SC has received the short message TPDU, or informing the MS that it was impossible to deliver the short message TPDU to the SC, including the reason why.

NOTE: When the transmission or reception of a short message coincide with a change of state in the MS, i.e. from busy to idle or from idle to busy, or during a handover, the short message transfer might be aborted.

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It is also possible for two short messages to be received in sequence having the same originating address and identification, i.e. message reference number (MO) or SC Timestamp (MT). Such a situation may be due to errors at the RP or CP layers (e.g. during inter MSC handover) where it may be a duplicated message or otherwise it may be a valid new message. The receiving entity should therefore make provision to check other parameters contained in the short message to decide whether the second short message is to be discarded.

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